

## **REMARKS**

This paper is submitted in response to the Office Action mailed on May 4, 2006 and supplements the response filed on September 18, 2006. In this paper, claim 1 has been amended. Claims 1-7 and 31-37 now remain in the application. In view of the foregoing amendments, as well as the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

### **Personal Interview**

Applicant's counsel appreciates the courtesy extended by Examiner and Supervisory Patent Examiner during the personal interview conducted on January 26, 2007. During that interview, differences between the claimed subject matter and the teachings of U.S. Patent No. 4,743,260 to Burton ("Burton") were discussed in reference to the amendments made in Applicant's September 18, 2006 response. The Examiner suggested claim language that would overcome rejections based on Burton. In particular, the Examiner suggested using the term "monolithic" instead of the term "unitary" to be more in accord with the spirit of the invention. Agreement was reached that such claim language would define over Burton. The Examiner also suggested amending the specification to include the term "monolithic" where the unitary nature of the device is discussed. The Examiner indicated that this would not constitute new subject matter since such is clearly disclosed in at least Fig. 14 of the application. Applicant has amended independent claim 1 to incorporate the suggested claim

language as discussed during the interview. Applicant has also amended the specification in accordance with the interview.

The specification has been amended in accordance with the interview. In particular, the term "monolithic" was added to the specification. Support for making this amendment comes from the paragraphs in which the term was added. For example, both paragraphs [0015] and [0052] discuss the unitary nature of the stabilization means and the anchoring means. In addition, Fig. 14 of the application clearly shows the device to have a unitary or "monolithic" construction. Thus, no new matter is being introduced by these amendments to the specification.

Claims 1-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Burton. Independent claim 1 is the only independent claim pending with the remaining claims, claims 2-7 and claims 31-37 (added in the previous response), depending from this independent claim. Claim 1 has also been amended in the manner suggested by the Examiner during the interview. In particular, claim 1 now recites a "monolithic" device, which was agreed to as overcoming Burton. Accordingly, Applicant respectfully submits that amended independent claim 1 recites a combination of elements not taught or suggested by Burton and the claim is allowable.

Moreover, as claims 2-7 and 31-37 depend from allowable claim 1, Applicant submits that these claims are allowable at least for the reasons provided above in regard to claim 1.

### **Conclusion**

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If the Examiner believes any matter requires further discussion, the Examiner is respectfully invited to telephone the undersigned attorney so that the matter may be promptly resolved.

Applicant does not believe that any fees are due in connection with this response. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

/Steven W. Benintendi/

Steven W. Benintendi

Reg. No. 56,297

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202  
(513) 241-2324 (voice)  
(513) 421-7269 (facsimile)